

## Public Notice – Environmental Regulation

**Notice of action:** The State Water Control Board is considering the amendment of a regulation on water supply. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Regulation name:** The Local and Regional Water Supply Regulation (9VAC25-780)

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses.

**Public comment period:** MAY 22, 2023 to JULY 21, 2023

**Public comment stage:** Notice of Public Comment

**Description of proposed regulation:** The Local and Regional Water Supply Regulation (9VAC25-780) was promulgated in 2005 in accordance with section 62.1-44.38:1.A of the Code of Virginia, which required the State Water Control Board (Board) to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans (plan). This legislative action and subsequent regulation were in response to the 2001-2002 drought during which many water supplies within the Commonwealth experienced inadequate supply to meet demands.

Under the current regulation, localities can choose to develop a plan independently (local plan) or may choose to plan regionally with other localities (regional plan). In total, 48 water supply plans were submitted in 2008, of which 10 were local plans and 38 were regional plans with the majority of those consisting of one county and one or more cities or incorporated towns located within the boundaries of the county. Planning regions were not specifically determined based on river basin or with respect to shared sources of water supply.

2020 amendments to §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia direct the Board to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basin. The amendments also mandate that each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional plan. The bill directs the Department of Environmental Quality (Department) to facilitate the creation of regional water plans by designating regional planning areas, ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes cost-effective strategies in response. In 2022, further amendments to § 62.1-44.38:1 require the regulation to provide a mechanism for localities to request a change of its designated regional planning area to an adjoining planning area that is based on water supply source, river basin, or existing or planned cross-jurisdictional relationship.

This regulatory proposal is required to amend the existing Local and Regional Water Supply Plan Regulation to reflect the amendments made to the Code of Virginia and to conform the existing regulation to changes in Code.

**Locality particularly affected:** All counties, cities, and incorporated towns will be affected by this regulatory change, but none are expected to be particularly affected.

**How to comment:** The DEQ accepts written comments by hand-delivery, e-mail, fax and postal mail. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ no later than on the last day of the comment period. All testimony, exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

**To review regulation documents:** The proposal and an analysis conducted by DEQ (including a statement of purpose, a statement of estimated impacts and benefits of the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), are available on the Town Hall web site at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) and by contacting the DEQ representative named below. The public may review the documents at the following location: 1111 E. Main Street, Richmond VA.

**Contact for public comments, document requests and additional information:**

HANNAH SOMERS; DEQ CENTRAL OFFICE, P.O. BOX 1105, RICHMOND, VA, 23218

Phone: 804-814-2780 E-mail: HANNAH.SOMERS@DEQ.VIRGINIA.GOV Fax: 804-698-4178